

*REMARKS/ARGUMENTS*Overview

Claims 1-29 are presently pending in this application. Claims 1-3, 5-6, 8, 10, 17 and 19-22 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 2003/0120609 to Balagion, et al. (hereinafter “Balagion”). Claims 4, 7, 9, 12-16, 18 and 23-29 stand rejected under 35 U.S.C. § 103(a) as being obvious over Balagion in view of U.S. Patent No. 6,736,322 to Gobburu, et al. (hereinafter “Gobburu”). No grounds have been given for the rejection of claim 11.

Claims 1-29 remain in this application.

Rejections under 35 U.S.C. § 102

Claims 1-3, 5-6, 8, 10, 17 and 19-22 stand rejected under 35 U.S.C. § 102(e) as anticipated by Balagion. Claims 1 is an independent claim to an apparatus, while claims 2-3, 5-6, 8, 10 are dependent on claim 1. Claim 17 is an independent claim to a method while claims 19-22 depend on claim 17. Applicants have amended claims 1 and 17 to include a limitation that the credit card is for being pivotally mounted to the case. Applicants submit that Balagion does not disclose, teach or suggest such a limitation.

Notably, it would be contrary to the purpose of Balagion to include a pivotally mounted card. Balagion teaches a “box-form” device having a “slot 11 for the insertion of a card or badge 12, for example of the type having a magnetic strip 12a. Arranged inside the body 10 is...a magnetic strip reader 13...” (Balagion at [0016]). Thus, traditional credit cards with magnetic strips are inserted into the device of Balagion in order that they are read by the magnetic strip reader (*see, e.g.*, Balagion at [0019]). If the insertion of the traditional credit card into the device was performed via a pivotal mount, it would be infeasible to read a linear magnetic strip, as found on those cards, via the included magnetic strip reader.

Applicants submit that the inclusion of this limitation places claims 1 and 17 in condition for allowance, and respectfully request withdrawal of the § 102 rejections for claims 1 and 17.

Because claims 2-3, 5-6, 8, 10 and 19-22 each depend on either claim 1 or 17, they incorporate all their respective limitations, including the limitation of a pivotally mounted card. Thus, Applicants respectfully request the withdrawal of the § 102 rejections for claims 2-3, 5-6, 8, 10 and 19-22.

Rejections under 35 U.S.C. § 103

Claims 4, 7, 9, 12-16, 18 and 23-29 stand rejected under 35 U.S.C. § 103(a) as being obvious over Balagion in view of Gobburu. Claims 4, 7 and 9 depend on claim 1. Claim 12 is an independent claim to an apparatus, while claims 13-16 depend on claim 12. Claim 18 depends on claim 17. Claim 23 is an independent claim to a method, while claims 24-29 are dependent on claim 23.

Applicants have amended claims 12 and 23 in a similar manner to include a limitation that the card is for being pivotally mounted to the case. As discussed above, this limitation is not disclosed or suggested by Balagion. Similarly, this limitation is not disclosed or suggested by Gobburu. As such, Applicants submit that this limitation is not found in the cited art, and respectfully request withdrawal of the § 103 rejection for claims 12 and 23.

Because claims 4, 7, 9, 18 and 24-29 each depend on one of claims 1, 12, 17 or 23, each incorporates all the limitations of its respective independent base claim. As discussed above, at least some of those limitations are not disclosed in the cited art. Accordingly, Applicants respectfully request withdrawal of the § 103 rejections for claims 4, 7, 9, 18 and 24-29.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

/Aaron R. Feigelson/

Aaron R. Feigelson, Reg. No. 59,022
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: December 11, 2006